

108TH CONGRESS
2D SESSION

H. R. 5109

To establish the Airport Noise Curfew Commission.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2004

Mr. CROWLEY (for himself, Mr. SERRANO, Mr. SHERMAN, Mr. HOEFFEL, Mr. WEINER, Mrs. MCCARTHY of New York, Mr. SMITH of Washington, Mr. BERMAN, Mr. HOLT, Mrs. MALONEY, Mrs. LOWEY, Mr. STARK, Mr. ISRAEL, Mr. MORAN of Virginia, Mr. GREEN of Texas, Mr. DELAHUNT, and Mr. SCHIFF) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To establish the Airport Noise Curfew Commission.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Airport Noise Curfew
5 Act of 2004”.

6 **SEC. 2. ESTABLISHMENT.**

7 There is established a commission to be known as the
8 “Airport Noise Curfew Commission” (in this Act referred
9 to as the “Commission”).

1 **SEC. 3. DUTIES OF COMMISSION.**

2 The Commission shall study and make recommenda-
3 tions to Congress regarding the establishment of curfews
4 on nonmilitary aircraft operations over populated areas of
5 the United States during normal sleeping hours.

6 **SEC. 4. MEMBERSHIP.**

7 (a) **NUMBER AND APPOINTMENT.**—The Commission
8 shall be composed of 9 members as follows:

9 (1) 4 members appointed by the Speaker of the
10 House of Representatives.

11 (2) 3 members appointed by the President pro
12 tempore of the Senate.

13 (3) The Administrator of the Environmental
14 Protection Agency (or the Administrator's designee).

15 (4) The Administrator of the Federal Aviation
16 Administration (or the Administrator's designee).

17 (b) **QUALIFICATIONS.**—One of the members ap-
18 pointed under each of subsections (a)(1) and (a)(2) shall
19 be a representative of the aviation industry. The other
20 members appointed under such subsections shall be pri-
21 vate citizens not involved in the aviation industry.

22 (c) **CHAIRPERSON.**—The Chairperson of the Commis-
23 sion shall be elected by the members from among the
24 members appointed under subsections (a)(1) and (a)(2)
25 who are private citizens not involved in the aviation indus-
26 try.

1 (d) VACANCIES.—A vacancy in the Commission shall
2 be filled in the manner in which the original appointment
3 was made.

4 (e) BASIC PAY.—

5 (1) RATES OF PAY.—To the extent or in the
6 amounts provided in advance in appropriation Acts
7 and except as provided in paragraph (2), members
8 of the Commission shall each be entitled to receive
9 the daily equivalent of the annual rate of basic pay
10 in effect for grade GS–18 of the General Schedule
11 for each day (including travel time) during which
12 they are engaged in the actual performance of duties
13 vested in the Commission.

14 (2) PROHIBITION OF COMPENSATION OF FED-
15 ERAL EMPLOYEES.—Members of the Commission
16 who are full-time officers or employees of the United
17 States may not receive additional pay, allowances, or
18 benefits by reason of their service on the Commis-
19 sion.

20 (f) TRAVEL EXPENSES.—Each member shall receive
21 travel expenses, including per diem in lieu of subsistence,
22 in accordance with applicable provisions under subchapter
23 I of chapter 57 of title 5, United States Code.

1 **SEC. 5. STAFF OF COMMISSION.**

2 (a) STAFF.—Subject to rules prescribed by the Com-
3 mission, the Chairperson may appoint and fix the pay of
4 such personnel as the Chairperson considers appropriate.

5 (b) APPLICABILITY OF CERTAIN CIVIL SERVICE
6 LAWS.—The staff of the Commission may be appointed
7 without regard to the provisions of title 5, United States
8 Code, governing appointments in the competitive service,
9 and may be paid without regard to the provisions of chap-
10 ter 51 and subchapter III of chapter 53 of such title relat-
11 ing to classification and General Schedule pay rates.

12 (c) EXPERTS AND CONSULTANTS.—Subject to rules
13 prescribed by the Commission, the Chairperson may pro-
14 cure temporary and intermittent services to the same ex-
15 tent as is authorized by section 3109(b) of title 5, United
16 States Code, but at rates for individuals not to exceed the
17 daily equivalent of the annual rate of basic pay in effect
18 for grade GS–18 of the General Schedule.

19 (d) STAFF OF FEDERAL AGENCIES.—Upon request
20 of the Commission, the head of any Federal department
21 or agency may detail, on a reimbursable basis, any of the
22 personnel of that department or agency to the Commission
23 to assist it in carrying out its duties under this Act.

24 **SEC. 6. POWERS OF COMMISSION.**

25 (a) HEARINGS AND SESSIONS.—The Commission
26 may, for the purpose of carrying out its duties and func-

1 tions under this Act, hold such hearings, sit and act at
2 such times and places, take such testimony, and receive
3 such evidence, as the Commission considers appropriate.

4 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
5 ber or agent of the Commission may, if authorized by the
6 Commission, take any action which the Commission is au-
7 thorized to take by this Act.

8 (c) OBTAINING OFFICIAL DATA.—The Commission
9 may secure directly from any Federal department or agen-
10 cy information necessary to enable it to carry out its du-
11 ties and functions. Upon request of the Chairperson of the
12 Commission, the head of such department or agency shall
13 furnish such information to the Commission.

14 (d) MAILS.—The Commission may use the United
15 States mails in the same manner and under the same con-
16 ditions as other Federal departments and agencies.

17 (e) ADMINISTRATIVE SUPPORT SERVICES.—Upon
18 the request of the Commission, the Administrator of Gen-
19 eral Services shall provide to the Commission, on a reim-
20 bursable basis, the administrative support services nec-
21 essary for the Commission to carry out its responsibilities
22 under this Act.

23 (f) SUBPOENA POWER.—The Commission may issue
24 subpoenas requiring the attendance and testimony of wit-
25 nesses and the production of any evidence relating to any

1 matter which the Commission is empowered to investigate
2 by this Act. The attendance of witnesses and the produc-
3 tion of evidence may be required from any place within
4 the United States at any designated place of hearing with-
5 in the United States.

6 **SEC. 7. REPORT.**

7 Not later than 6 months after the date of enactment
8 of this Act, the Commission shall transmit to Congress
9 a report on its findings and recommendations.

10 **SEC. 8. TERMINATION.**

11 The Commission shall terminate on the date of trans-
12 mission of its report under section 7.

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